

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CORRIE CUNNINGHAM, as Special)	
Administrator of the Estate of)	
HANSEL CUNNINGHAM, III,)	
Deceased,)	
Plaintiff,)	Case No. 07 C 6927
v.)	Judge Marvin E. Aspen
TASER INTERNATIONAL, INC.,)	Magistrate Judge Morton Denlow
a corporation,)	Removed from the Circuit Court of
Defendant.)	Cook County, Illinois, Law Division
	Case No. 07 L 013054

DEFENDANT TASER INTERNATIONAL, INC.'S PROPOSED DISCOVERY PLAN

Defendant, TASER International, Inc. ("TASER Int'l"), through its counsel of record, and in accordance with Fed. R. Civ. P. 26(f)¹, proposes the following Discovery Plan:

1. **Pre-discovery Disclosures.** TASER Int'l proposes disclosures be made pursuant to Rule 26(a)(1) by March 28, 2008.

2. **Discovery Plan.** TASER Int'l proposes the following discovery plan:

a. TASER Int'l will need discovery on the following subjects:

- (i) The timeline of events surrounding the death of Hansel Cunningham, III;
- (ii) The manner and cause of Cunningham's death;

¹ Counsel for TASER Int'l attempted to contact Plaintiff's counsel on more than one occasion in order to discuss scheduling and the submission of a joint proposed discovery plan. As of the date of this filing, Plaintiff's counsel has not returned counsel's voicemail messages.

- (iii) Cunningham's prior medical and criminal history;
 - (iv) The bases for the causes of action asserted by Plaintiff;
 - and
 - (v) The damages Plaintiff has alleged as a result of the incident.
- b. **Discovery deadlines.** TASER Int'l expects that all fact discovery will be commenced in time to be completed by December 5, 2008.
- c. **Expert disclosures pursuant to Rule 26(a)(2).** TASER Int'l proposes disclosure of experts proceed as follows:
 - (i) Plaintiff shall disclose experts and expert reports on January 9, 2009 - thirty-five (35) days after the completion of fact discovery;
 - (ii) TASER Int'l shall disclose experts and expert reports on February 23, 2009 - forty-five (45) days after Plaintiff's disclosures;
 - (iii) Plaintiff shall disclose rebuttal experts and their expert reports on March 25, 2009 - thirty (30) days after TASER Int'l's disclosures;
 - (iv) Expert discovery, including document discovery and depositions, shall be completed sixty (60) days after the deadline for rebuttal expert disclosures - May 25, 2009.
- d. **Other items:**

- (i) **Interrogatories and depositions.** TASER Int'l proposes the parties be allowed the customary total number of interrogatories of 25 per party pursuant to Rule 33; the parties may agree to more interrogatories by mutual agreement or application to the Court. TASER Int'l also proposes that no more than ten (10) fact witness depositions be allotted to Plaintiff and no more than ten (10) fact witness depositions be allotted to TASER Int'l.
- (ii) **Amending the pleadings and adding parties.** TASER Int'l proposes the parties have until June 6, 2008, to file any motions to amend the pleadings or to add parties.
- (iii) **Settlement.** It is TASER Int'l's position that settlement is unlikely at this time.
- (iv) **Dispositive motions.** TASER Int'l proposes the parties shall have until June 24, 2009, to file dispositive motions - thirty (30) days after the close of expert discovery.
- (v) **Joint pretrial order.** TASER Int'l proposes the joint pretrial order be filed by July 24, 2009, which is not more than thirty (30) days after the date set for filing dispositive motions. This date is suspended if the dispositive motions are timely filed and briefing and argument needs to be completed. The disclosures

required by Rule 26(a)(3) shall be made in the joint pretrial order.

- (vi) **Trial.** TASER Int'l estimates this case to be ready for trial by the week of August 3, 2009, provided dispositive motions do not need to be brief and argued, and at this time should take approximately five (5) days.
- (vii) **Extension or modification of the Discovery Plan and Scheduling Order.** TASER Int'l proposes all dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion to the Court for good cause shown or by the Court.

Respectfully submitted,

/s/ James E. Michel

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*Attorneys for Defendant TASER
International, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on February 29, 2008, a copy of the foregoing **Defendant TASER International, Inc.'s Proposed Discovery Plan** was filed electronically. Notice of this filing will be sent to the following attorneys by operation of the Court's electronic filing system, and, to those parties not receiving such notice, by U.S. Mail from One Wacker Drive, Chicago, Illinois. Parties may access this filing through the Court's system.

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/s/ James E. Michel
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